

U.S. Department of Justice



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

November 22, 2019

VIA ECF

Honorable Alison J. Nathan
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

NOV 26 2019

Re: *Osen LLC v. Office of Foreign Assets Control of the U.S. Department of Treasury*,
No. 19-cv-405 (AJN)

Dear Judge Nathan:

This Office represents the United States Department of Treasury ("Treasury") in the above-referenced Freedom of Information Action. On behalf of the parties, we write pursuant to this Court's Order dated March 15, 2019, which instructed the parties to provide a joint status update including, if necessary, a proposed briefing schedule for any matters to be resolved via motions for summary judgment, *see* Dkt. Nos. 12.

On September 21, 2018, Plaintiff submitted to Treasury the FOIA request at issue, seeking the "Designation Package and all exhibits attached thereto supporting the Treasury's designation" of each of the following entities: Sanabil Association for Relief and Development ("Sanabil"), Al-Waqfiya Al-Ri'aya Al-Usra Al-Filistinya Wa Al-Lubnanya ("Al-Waqfiya"), and Al-Salah Society.

On May 10, 2019, the Court endorsed the parties' proposal regarding a production schedule. Dkt. No. 14 at 3. Treasury has responded to Plaintiff's request under the court-approved schedule. The parties have regularly met and conferred regarding Plaintiff's concerns with the production, and have limited the issues of potential dispute to the productions relating to Sanabil and Al-Waqfiya (Plaintiff is satisfied with Defendant's production of records relating to Al-Salah Society). Plaintiff contends these productions contain inappropriate redactions.

Plaintiff also contends that Treasury's search for responsive records was inadequate because Treasury informed Plaintiff of the possibility that press releases announcing the respective designations may have relied on information not included in the "Designation Packages." Plaintiff's position is that its request was intended to cover all records relied upon by Treasury in deciding to designate those entities and drafting the corresponding press releases. Treasury's position is that the request plainly sought "[d]esignation Package and all exhibits attached thereto supporting the Treasury's designation," not any records underlying any press releases merely announcing such designations. The parties, however, intend to hold further meet-and-confer discussions, and Treasury has agreed to take additional steps in response to Plaintiff's specific inquiries.

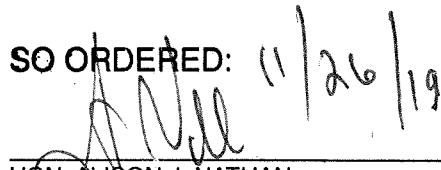
As these meet-and-confer discussions may further narrow the issues for potential summary judgment briefing (or the need for any summary judgment briefing at all), the parties respectfully request that the Court adopt the following schedule:

- Treasury shall respond to Plaintiff's inquiries regarding Treasury's withholdings and the scope of its search by December 6, 2019. **SO ORDERED**
- By December 15, 2019, the parties shall file a joint status report and a proposed schedule for summary judgment briefing for any remaining disputed issues. **SO ORDERED**

Given the parties' agreement regarding this path forward, the parties respectfully request that the Court adjourn the case management conference currently scheduled for December 6, 2019, at 3 PM *sine die*. This is the parties' first request for an adjournment of this conference. **SO ORDERED**

Thank you for your consideration of this matter.

SO ORDERED: 11/26/19



HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

Respectfully,

GEOFFREY S. BERMAN
United States Attorney

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cc: Counsel of record (via ECF)